

## **REMARKS**

### **I. Introduction**

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

### **II. The Rejection Of Claims 1 And 5-16 Under 35 U.S.C. § 103**

Claims 1 and 5-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatani et al. (JP 07-220755) in view of Thibault et al. (US 2001/0003863). Applicants respectfully traverse this rejection of the pending claims for at least the following reasons:

With regard to the present invention, claim 1 features a conductive area on a first current collector sheet connected to a first terminal on a first side face of a layered-type electrode assembly and a conductive area on a second collector sheet connected to a second terminal on a second side face of the electrode assembly. In addition, the insulating area of the first current collector sheet is provided on the second side face and the insulating area of the second current collector sheet is provided on the first side face.

As a result of this configuration, a short-circuit between the first and second electrodes can be prevented. Furthermore, the configuration allows the conductive areas of the plurality of first or second current collector sheets to be easily interconnected to provide a high capacity battery having parallel connection, as discussed on page 19, lines 9-15 of the specification.

It is admitted that Takatani fails to disclose first and second current collector sheets having an insulating area, or that the insulating area of the first sheet is positioned on the second side face and the insulating area of the second sheet is positioned on the first side face.

However, it is alleged that the teachings of Thibault (a current collector having an insulating area) combined with Takatani renders claim 1 obvious. However, Applicants submit that this rejection is improper.

First, there is no suggestion or teaching in either Takatani or Thibault to position the insulating area of the first and second current collectors on the second and first side faces, respectively. The Examiner alleges that because Thibault discloses these insulating areas, it would be obvious to provide the current collectors of Takatani with them in order to provide dimensional stability of the cell stack, as taught in paragraph [0149] of Thibault. However, the passage referred to in Thibault discloses that “the insulting layer of the anode current collector and the insulation layer of the cathode current collector *are in a face-to-face relationship and further are adhered to each other*”.

However, in the present invention, the insulation layers 18a, 18b are between two conductor layers 12a, 12b on opposite sides of the electrode plate assembly 10 (see, Fig. 1 of the drawings). As such, the insulation layers of the present invention cannot be configured to adhere to one another. Thus, the configuration of the cell stack of Thibault is completely different than that of the present invention.

Moreover, Thibault says nothing about having an insulating layer with an edge that protrudes on a side face (i.e., the first side face) opposite to the edge having the protruding current collector sheet (i.e., the second side face), as disclosed in Fig. 1 the present invention. Nor can this configuration be derived merely from the fact that the electrode charge collectors of Takatani extend out, because the opposite ends of these charge collectors are coplanar with the other portions (i.e., the PTC, the separator, etc.) of the cell stack. As such, Thibault fails to

disclose or suggest arranging the insulating area of the current collector sheet on a specific side face of an electrode assembly. Thus, the combination of Takatani and Thibault do not render claim 1 of the present invention obvious.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As is clearly shown, Takatani and Thibault do not disclose the above cited elements of claim 1. Therefore, Applicant submits that Takatani and Thibault do not render claim 1 of the present invention obvious and accordingly, Applicant respectfully requests that the § 103(a) rejection of claim 1 be withdrawn.

**III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

Moreover, with respect to claim 6, Takatani does not disclose that the PTC device is positioned on a first or second side face. The PTC of Takatani 8,9 is clearly parallel with the first electrode 11 and on the bottom face of the cell stack (see, Fig. 1 of Takatani). Moreover, Thibault is not relied upon to remedy this deficiency. As such, the combination of Takatani and Thibault fails to render claim 6 obvious as well.

**IV. Rejection Of Claims 1, 8-13 And 16 Under Nonstatutory Double Patenting Doctrine**

Claims 1, 8-13 and 16 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending U.S. Application No. 10/540,867 in view of Takatani et al.

However, as the rejection is provisional, Applicants respectfully request that the rejection be withdrawn until such time as claims in either application have been indicated to be allowable. As claims are often amended during prosecution, it is possible that the claims determined to be allowable may be patentably distinct from one another. According to PAIR, as of today January 17, 2008, the claims of Application No. 10/540,867 have yet to be allowed.

**V. Conclusion**

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

**Application No.: 10/540,862**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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